

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14801
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 8, 2008 THOMAS K. KAHN CLERK</p>
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D. C. Docket No. 06-01423-CV-BE-E

ARAMETTA PORTER,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Alabama

(May 8, 2008)

Before TJOFLAT, BIRCH and DUBINA, Circuit Judges.

PER CURIAM:

For the reasons stated in the district court's Memorandum Opinion of September 6, 2007, we agree that the discretionary function exception of the Federal Tort Claims Act deprived the district court of jurisdiction over Count I of plaintiff's complaint, and that plaintiff's Count II Resource Conservation and Recovery Act claim could not proceed because the Act does not provide for an award of damages in tort.

Plaintiff argues that the court abused its discretion by entering its September 6 dispositive order without allowing her additional time to obtain the discovery necessary to establish her claims for relief. We find no abuse in this case.

The judgment of the district court is due to be, and is,

AFFIRMED.